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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,843	03/18/2004	Yoshiro Kitagawa	Q80463	5065

7590 02/22/2006
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

DUONG, TAI V

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

B/

Office Action Summary	Application No. 10/802,843	Applicant(s) KITAGAWA ET AL.	
	Examiner Tai Duong	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 24-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-11,14-16 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 2,4-7,13,17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04, 1/4/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicant's election without traverse of Species A1, B2 and C2 of Group I (claims 5, 11 and 13) in the reply filed on 01/13/06 is acknowledged.

Claims 12 and 24-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/13/06.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the recited features "said second island-shaped electrically insulating organic film", "said gate line terminal electrode", "said third island-shaped electrically insulating organic film" and "said data line terminal electrode" lack antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-11, 14-16, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al (US 6,208,399).

Note Fig. 22 which identically disclose the claimed liquid crystal display device comprising a first substrate SUB1 including an electrically insulating inorganic film PSV1 covering the data line DL-d3 therewith; a first island-shaped electrically insulating

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organic film PSV2 formed on said electrically insulating inorganic film above said data line; and a shield common electrode CT-i1 covering said first island-shaped electrically insulating organic film therewith and overlapping said data line when viewed vertically, the pixel electrode PX-i1 extending in parallel with the common electrode CT-i1, and said pixel and common electrodes being formed in a common layer. a light-shielding film BM located facing said data line, said light-shielding film having a multi-layered structure including two color layers (FIL-R, FIL-G) having colors different from each other (col. 8, line 1 – col. 11, line 22). As to claims 9 and 11, see Fig. 25 and column 22, line 44 – column 23, line 6.As

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al'399 in view of Ashizawa et al (US 2005/0275784) and Sawasaki et al (US 2005/0024567)

The only difference between the LCD of Ohta and that of the instant claims are the insulating organic film being composed of novolak resin, the planarized layer OC covering said black matrix layer BM and said color layer therewith and having a thickness equal to or greater than 1.5 micrometers, and a black matrix layer having a resistivity equal to or greater than $1 \times 10^{-9} \Omega \cdot \text{cm}$. Sawasaki et al disclose that it was known to employ novolak resin in LCD (paragraph 0068). Ashizawa et al disclose that it

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was known to employ a black matrix layer having a resistivity equal to $1 \times 10^{-9} \Omega \cdot \text{cm}$ (paragraph 0123). Thus, it would have been obvious to a person of ordinary skill in the art in view of Ashizawa et al to employ a black matrix layer having a resistivity equal to $1 \times 10^{-9} \Omega \cdot \text{cm}$ for obtaining good contrast in the IPS mode LCD (Ashizawa, paragraph 0118). Also, it would have been obvious to a person of ordinary skill in the art in view of Sawasaki et al known to employ novolak resin for the ease of fabrication process (photosensitive resin). Also, it would have been obvious to a person of ordinary skill in the art to employ a planarized layer covering said black matrix layer and said color layer therewith and having a thickness equal to or greater than 1.5 micrometers for obtaining good contrast in the IPS mode LCD.

Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 2, 4-7, 13, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-7, 13, 17 and 18 are allowed over the prior art because none of the prior art discloses or suggests the combination of the LCD of claim 1 with the particular features recited in claims 2-7, 13, 17 and 18.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


TVD

02/06


TOANTON
PRIMARY EXAMINER